

## House File 298 - Introduced

HOUSE FILE 298

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### A BILL FOR

1 An Act creating a government watchdog hotline within the office  
2 of the citizens' aide.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 2C.9, Code 2011, is amended to read as  
2 follows:

3 **2C.9 Powers and duties.**

4 1. The citizens' aide may:

5 ~~1.~~ a. Investigate, on complaint or on the citizens' aide's  
6 own motion, any administrative action of any agency, without  
7 regard to the finality of the administrative action, except  
8 that the citizens' aide shall not investigate the complaint  
9 of an employee of an agency in regard to that employee's  
10 employment relationship with the agency except as otherwise  
11 provided by this chapter. A communication or receipt of  
12 information made pursuant to the powers prescribed in this  
13 chapter shall not be considered an ex parte communication as  
14 described in the provisions of section 17A.17.

15 ~~2.~~ b. Investigate, on complaint or on the citizens' aide's  
16 own motion, any administrative action of any person providing  
17 child welfare or juvenile justice services under contract with  
18 an agency that is subject to investigation by the citizens'  
19 aide. The person shall be considered to be an agency for  
20 purposes of the citizens' aide's investigation.

21 ~~3.~~ c. Prescribe the methods by which complaints are to  
22 be made, received, and acted upon; determine the scope and  
23 manner of investigations to be made; and, subject to the  
24 requirements of this chapter, determine the form, frequency,  
25 and distribution of the conclusions and recommendations of the  
26 citizens' aide.

27 ~~4.~~ d. Request and receive from each agency assistance  
28 and information as necessary in the performance of the duties  
29 of the office. Notwithstanding section 22.7, pursuant to  
30 an investigation the citizens' aide may examine any and all  
31 records and documents of any agency unless its custodian  
32 demonstrates that the examination would violate federal  
33 law or result in the denial of federal funds to the agency.  
34 Confidential documents provided to the citizens' aide by  
35 other agencies shall continue to maintain their confidential

1 status. The citizens' aide is subject to the same policies  
 2 and penalties regarding the confidentiality of the document  
 3 as an employee of the agency. The citizens' aide may enter  
 4 and inspect premises within any agency's control and may  
 5 observe proceedings and attend hearings, with the consent of  
 6 the interested party, including those held under a provision  
 7 of confidentiality, conducted by any agency unless the agency  
 8 demonstrates that the attendance or observation would violate  
 9 federal law or result in the denial of federal funds to  
 10 that agency. This ~~subsection~~ paragraph does not permit the  
 11 examination of records or access to hearings and proceedings  
 12 which are the work product of an attorney under section 22.7,  
 13 subsection 4, or which are privileged communications under  
 14 section 622.10.

15 ~~5.~~ e. Issue a subpoena to compel any person to appear,  
 16 give sworn testimony, or produce documentary or other evidence  
 17 relevant to a matter under inquiry. The citizens' aide,  
 18 deputies, and assistants of the citizens' aide may administer  
 19 oaths to persons giving testimony before them. If a witness  
 20 either fails or refuses to obey a subpoena issued by the  
 21 citizens' aide, the citizens' aide may petition the district  
 22 court having jurisdiction for an order directing obedience to  
 23 the subpoena. If the court finds that the subpoena should be  
 24 obeyed, it shall enter an order requiring obedience to the  
 25 subpoena, and refusal to obey the court order is subject to  
 26 punishment for contempt.

27 ~~6.~~ f. Establish rules relating to the operation,  
 28 organization, and procedure of the office of the citizens'  
 29 aide. The rules are exempt from chapter 17A and shall be  
 30 published in the Iowa administrative code.

31 2. a. The citizens' aide shall promote the office's  
 32 existing toll-free telephone line and electronic mail address  
 33 as the "government watchdog hotline", and encourage persons to  
 34 use the hotline to report fraud, waste, and malfeasance.

35 b. The government watchdog hotline telephone number and

1 electronic mail address shall be displayed on all state  
2 government internet sites, at highway rest areas, at the state  
3 fairgrounds, and in all published materials.

4 EXPLANATION

5 This bill requires the citizens' aide to designate its  
6 toll-free telephone number and electronic mail address as the  
7 "government watchdog hotline", and encourage persons to use  
8 the hotline to report fraud, waste, and malfeasance. That  
9 telephone number and electronic mail address is to be displayed  
10 on all state government internet sites, at highway rest areas,  
11 at the state fairgrounds, and in all published materials.